

REMARKS

This is a full and timely response to the non-final Office Action (Paper No. 4) mailed by the U.S. Patent and Trademark Office on October 29, 2003. Claims 1-20 remain pending in the application. Applicants acknowledge with appreciation the indicated allowability of claims 9, 10, 19 and 20. However, Applicants have not amended the allowable claims to include the subject matter of the independent claims from which they depend, pending consideration of this response. In view of the following remarks, reconsideration and allowance of the presently pending claims is respectfully requested.

Applicant respectfully submits that the pending claims are allowable over the cited reference for at least the reason that the cited reference does not disclose, teach, or suggest at least selecting a first and second call records, providing the call records comprise call characteristic information created in the telephone system and providing the call records identify the same called station, and establishing whether first and second call records are correlated. Each rejection presented in the Office Action is discussed in the remarks that follow.

I. Response to drawing Objection

Applicants submit herewith corrected drawings as suggested by the Examiner.

II. Response to 35 U.S.C. §102 Rejections

A. Statement of the Rejection

Claims 1-8 and 11-18 presently stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,385,444 to Peschel *et al.* (hereafter *Peschel*).

B. Discussion of the Rejection

Applicant respectfully traverses the rejection of claims 1-8 and 11-18 under 35 U.S.C. §102(e) over *Peschel* for at least the reason that *Peschel* fails to disclose, teach, or suggest each element in the claims.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990).

Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). The test is the same for a process. Anticipation requires identity of the claimed process and a process of the prior art. The claimed process, including each step thereof, must have been described or embodied, either expressly or inherently, in a single reference. *See, e.g., Glaverbel S.A. v. Northlake Mkt'g & Supp., Inc.*, 45 F.3d 1550, 33 USPQ2d 1496 (Fed. Cir. 1995). Those elements must either be inherent or disclosed expressly. *See, e.g., Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). Those elements must also be arranged as in the claim. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989); *Carella v. Starlight Archery & Pro Line Co.*, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986). For

anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Accordingly, the single prior art reference must properly disclose, teach or suggest each element of the claimed invention.

For at least the reason that *Peschel* fails to disclose, teach, or suggest at least Applicant's computer operable method for correlating call data records in a telephone system comprising "*selecting a first and second call records, providing the call records comprise call characteristic information created in the telephone system and providing the call records identify same called station; and establishing whether first and second call records are correlated,*" as recited in claim 1, Applicant respectfully submits that *Peschel* does not anticipate Applicant's independent claim 1.

Claim 1

For convenience of analysis, independent claim 1 is repeated below in its entirety.

1. A computer operable method for correlating call data records in a telephone system, comprising the steps of:

selecting a first and second call records, providing the call records comprise call characteristic information created in the telephone system and providing the call records identify same called station; and
establishing whether first and second call records are correlated.

(Applicant's independent claim 1 - *emphasis added.*)

Applicant respectfully asserts that *Peschel* fails to disclose, teach, or suggest at

least the emphasized elements of pending claim 1 as shown above. Consequently, claim 1 is allowable.

Specifically, *Peschel* fails to disclose, teach, or suggest at least Applicant's method for correlating call data records in a telephone system comprising "*selecting a first and second call records, providing the call records comprise call characteristic information created in the telephone system and providing the call records identify same called station; and*

establishing whether first and second call records are correlated."

Peschel appears to disclose a method and device for checking a telephone communications system with respect to an accurate routine detection of system-internal call data records. See *Peschel*, abstract. According to *Peschel*, "[t]he invention relates to a method and device for checking whether call data records in telecommunications system have been created correctly and fully, specifically in mobile telephony networks, including the review of the data basis in the billing system, which is used to bill for usage of the communications service." See *Peschel*, col. 1, lines 8-14. *Peschel* describes taking a statistical representation of, for example, 10,000 anonymous data records. The 10,000 data records are sorted in chronological order. According to *Peschel*, "[a] review file (start time t_1 , end time t_{end}) is defined. In the customer call data record profile, a search is performed for a data record with this predefined start time t_1 , e.g., Tuesday 8 A.M. The parameters of this call data record (e.g., start of call, duration of call, communications service, call destination area, call origin area) are incorporated into the review file as data record 1." See *Peschel*, col. 3, lines 31-38. *Peschel* continues "[t]he call duration t of data record 1, the system time t_{system} and t_1 are used to determine the start time t_2 of the second data record." See *Peschel*, col. 3, lines 40-42. From this it is abundantly clear that *Peschel* does not

compare the arrival time of two call records that are related to the same call, but instead uses a call duration of a first call data record to determine a start time of a second data record.

In col. 4, lines 25-28, *Peschel* states that the originating and destination call records are independently created. Specifically, *Peschel* states “[a]t both stations, the sending station and the answering station, call data records are created and saved independently from each other, based on the actual connection parameters.” *Peschel* appears to match actual call data records against “reference” call data records to determine system performance. Specifically, *Peschel* states:

[t]he review of the telecommunication system’s call data records based on the reference data records takes place at the management system. For this purpose, the call data records from the billing center are transmitted to the management system, where they are matched to the reference data record pairs (see section 2 “Creation of reference data records”) that are available at the management system, and compared to same to determine whether their communication parameters are identical. If the call data records do not match the reference data record pairs, they are saved in files, which are routed to an automatic and manual error analysis.

See *Peschel*, col. 4, line 63 – col. 5, line 8.

From this, it is abundantly clear that *Peschel* merely discloses the comparison of existing call data records to “reference call data records” to determine system performance parameters.”

In marked contrast to *Peschel*, the present invention discloses a method for correlating call data records in a telephone system comprising at least “*selecting a first and second call records, providing the call records comprise call characteristic information created in the telephone system and providing the call records identify same called station; and establishing whether first and second call records are correlated.*” Applicant respectfully submits that at least these features are neither

disclosed taught or suggested by *Peschel*.

Applicant respectfully submits that *Peschel* fails to disclose, teach or suggest at least the steps in Applicant's claim 1 highlighted above, and merely discloses determining a mobile telephone system performance by collecting anonymous (arbitrary) call records and comparing the collected call records to call data records. Therefore, while *Peschel* appears to disclose the implementation of a telephone performance measuring system, *Peschel* fails to disclose, teach or suggest Applicant's method including at least the steps highlighted above in Claim 1.

In marked contrast to *Peschel*, the present invention discloses a computer operable method for correlating call data records in a telephone system, comprising at least "selecting a first and second call records, providing the call records comprise call characteristic information created in the system and providing the call records identify same called station; and establishing whether first and second call records are correlated."

Specifically, Applicants respectfully submit that the present invention discloses the correlation of two separate call records, that both relate to the same call. This is in marked contrast to *Peschel*, which apparently discloses comparing entire call records of separate calls against each other to determine system performance.

With regard to the statement in the Office Action regarding claim 2 that "Peschel et al teach a computer operable method providing selected first and second call records arrive at a central data repository within a first time difference (col. 6, lines 26-33, col. 8, lines 14-37)," Applicants respectfully submit that nowhere does *Peschel* disclose teach or suggest first and second call records that correspond to the same call arriving within a first time difference, as recited in dependent claim 2.

With regard to the statement in the Office Action regarding claim 3 that “Peschel et al teach a computer operable providing when an originating point code of first and second call records is used to establish whether the call records are correlated... otherwise, identifying first and second call records as correlated (col. 7, line 30-col. 9, line 23),” Applicants respectfully submit that nowhere does *Peschel* disclose, teach, or suggest an originating point code of first and second call records, as recited in dependent claim 3.

With regarding to the statement in the Office Action with respect to claim 4 that “Peschel et al teach a computer operable method providing when a destination point code of a first and second call records is used to establish whether the call records are correlated... otherwise, identifying first and second call records as correlated (col. 7, line 30-col. 9, line 23),” Applicants respectfully submit that nowhere does *Peschel* disclose, teach, or suggest a destination point code associated with a first and second call record, as recited in dependent claim 4.

With regard to the statement in the Office Action regarding claim 5 that “Peschel et al teach a computer operable method providing first and second call data records are members of a group of call data records whose arrival at the central repository was after a first preselected time and before a second preselected time (col. 7, lines 50-65),” Applicants respectfully submit that nowhere does *Peschel* disclose, teach, or suggest the arrival of first and second call data records associated with a single call whose arrival at the central data repository was after a first preselected time and before a second preselected time, as recited in dependent claim 5.

With regard to the statement in the Office Action regarding claim 6 that “Peschel et al teach a computer operable method providing first and second call data records are members of a group of call data records whose called numbers have an

identical value in at least one preselected digital position (col. 7, line 50-col. 8, line 13),” Applicants respectfully submit that that nowhere does *Peschel* disclose, teach, or suggest a group of call data records pertaining to the same call where the call numbers have an identical value in at least one preselected digit position, as recited in dependent claim 6.

With regard to the statement in the Office Action regarding claim 7 in which the Office Action states that “*Peschel et al* teach a computer operable method steps further comprising: when the first and second data records are identified as correlated, copying at least one data field from the first data record to the second data record (col. 8, lines 18-26; col. 9, lines 14-23),” Applicants respectfully submits that nowhere does *Peschel* disclose, teach, or suggest at least copying at least one data field from the first data record to the second data record, as claimed in claim 7.

With respect to the statement in the Office Action regarding claim 8 that “*Peschel et al* teach a computer operable method steps further comprising: when the first and second data records are identified as correlated, copying at least one data field from the second data record to the first data record (col. 8, lines 18-26; col. 9, lines 14-23),” Applicants respectfully submit that nowhere does *Peschel et al.* disclose, teach, or suggest at least copying at least one data field from the second data record to the first data record, as recited in claim 8.

Thus, *Peschel* fails to disclose, teach, or suggest each element of the Applicants independent claim 1. Consequently, Applicants respectfully submit that claim 1 is allowable over *Peschel* and request that the rejection of claim 1 be withdrawn.

Because independent claim 1 is allowable dependent claims 2-10, which depend either directly or indirectly from allowable independent claim 1 are also allowable. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant

respectfully requests that the rejection of claims 1-8 be withdrawn.

Claim 11

For convenience of analysis, independent claim 11 is repeated below in its entirety.

11. A computer program storage medium readable by a computer, tangibly embodying a computer program of instructions executable by the computer to perform method steps for correlating call data records in a telephone system, the steps comprising:

selecting a first and second call records, providing the call records comprise call characteristic information created in the telephone system and providing the call records identify same called station; and
establishing whether first and second call records are correlated.

(Applicant's independent claim 11 - *emphasis added*.)

Applicant respectfully asserts that *Peschel* fails to disclose, teach, or suggest at least the emphasized elements of pending claim 11 as shown above. Consequently, claim 11 is allowable.

Specifically, *Peschel* fails to disclose, teach, or suggest at least Applicant's computer program storage medium readable by a computer, tangibly embodying a computer program of instructions executable by the computer to perform method steps for correlating call data records in a telephone system, comprising "*selecting a first and second call records, providing the call records comprise call characteristic information created in the telephone system and providing the call records identify same called station; and establishing whether first and second call records are correlated.*"

Peschel appears to disclose a method and device for checking a telephone communications system with respect to an accurate routine detection of system-internal call data records. See *Peschel*, abstract. According to *Peschel*, “[t]he invention relates to a method and device for checking whether call data records in telecommunications system have been created correctly and fully, specifically in mobile telephony networks, including the review of the data basis in the billing system, which is used to bill for usage of the communications service.” See *Peschel*, col. 1, lines 8-14. *Peschel* describes taking a statistical representation of, for example, 10,000 anonymous data records. The 10,000 data records are sorted in chronological order. According to *Peschel*, “[a] review file (start time t_1 , end time t_{end}) is defined. In the customer call data record profile, a search is performed for a data record with this predefined start time t_1 , e.g., Tuesday 8 A.M. The parameters of this call data record (e.g., start of call, duration of call, communications service, call destination area, call origin area) are incorporated into the review file as data record 1.” See *Peschel*, col. 3, lines 31-38. *Peschel* continues “[t]he call duration t of data record 1, the system time t_{system} and t_1 are used to determine the start time t_2 of the second data record.” See *Peschel*, col. 3, lines 40-42. From this it is abundantly clear that *Peschel* does not compare the arrival time of two call records that are related to the same call, but instead uses a call duration of a first call data record to determine a start time of a second data record.

In col. 4, lines 25-28, *Peschel* states that the originating and destination call records are independently created. Specifically, *Peschel* states “[a]t both stations, the sending station and the answering station, call data records are created and saved independently from each other, based on the actual connection parameters.” *Peschel* appears to match actual call data records against “reference” call data records to

determine system performance. Specifically, *Peschel* states:

[t]he review of the telecommunication system's call data records based on the reference data records takes place at the management system. For this purpose, the call data records from the billing center are transmitted to the management system, where they are matched to the reference data record pairs (see section 2 "Creation of reference data records") that are available at the management system, and compared to same to determine whether their communication parameters are identical. If the call data records do not match the reference data record pairs, they are saved in files, which are routed to an automatic and manual error analysis.

See *Peschel*, col. 4, line 63 – col. 5, line 8.

From this, it is abundantly clear that *Peschel* merely discloses the comparison of existing call data records to "reference call data records" to determine system performance parameters."

In marked contrast to *Peschel*, the present invention discloses a method for correlating call data records in a telephone system comprising at least "***selecting a first and second call records, providing the call records comprise call characteristic information created in the telephone system and providing the call records identify same called station; and establishing whether first and second call records are correlated.***" Applicant respectfully submits that at least these features are neither disclosed taught or suggested by *Peschel*.

Applicant respectfully submits that *Peschel* fails to disclose, teach or suggest at least the steps in Applicant's claim 11 highlighted above, and merely discloses determining a mobile telephone system performance by collecting anonymous (arbitrary) call records and comparing the collected call records to call data records. Therefore, while *Peschel* appears to disclose the implementation of a telephone performance measuring system, *Peschel* fails to disclose, teach or suggest Applicant's method including at least the steps highlighted above in Claim 11.

In marked contrast to *Peschel*, the present invention discloses a computer operable method for correlating call data records in a telephone system, comprising at least “selecting a first and second call records, providing the call records comprise call characteristic information created in the system and providing the call records identify same called station; and establishing whether first and second call records are correlated.”

Specifically, Applicants respectfully submit that the present invention discloses the correlation of two separate call records, that both relate to the same call. This is in marked contrast to *Peschel*, which apparently discloses comparing entire call records of separate calls against each other to determine system performance.

With regard to the statement in the Office Action regarding claim 12 that “*Peschel et al* teach a computer program storage medium wherein selected first and second call records arrive at a central data repository within a first time difference (col. 6, lines 26-33, col. 8, lines 14-37),” Applicants respectfully submit that nowhere does *Peschel* disclose teach or suggest first and second call records that correspond to the same call arriving within a first time difference, as recited in dependent claim 12.

With regard to the statement in the Office Action regarding claim 13 that “*Peschel et al* teach a computer program storage medium wherein when an originating point code of first and second call records is used to establish whether the call records are correlated... otherwise, identifying first and second call records as correlated (col. 7, line 30-col. 9, line 23),” Applicants respectfully submit that nowhere does *Peschel* disclose, teach, or suggest an originating point code of first and second call records, as recited in dependent claim 13.

With regarding to the statement in the Office Action with respect to claim 14 that “*Peschel et al* teach a computer program storage medium wherein when a

destination point code of a first and second call records is used to establish whether the call records are correlated... otherwise, identifying first and second call records as correlated (col. 7, line 30-col. 9, line 23),” Applicants respectfully submit that nowhere does *Peschel* disclose, teach, or suggest a destination point code associated with a first and second call record, as recited in dependent claim 14.

With regard to the statement in the Office Action regarding claim 15 that “*Peschel et al* teach a computer program storage medium wherein first and second call data records are members of a group of call data records whose arrival at the central repository was after a first preselected time and before a second preselected time (col. 7, lines 50-65),” Applicants respectfully submit that nowhere does *Peschel* disclose, teach, or suggest the arrival of first and second call data records associated with a single call whose arrival at the central data repository was after a first preselected time and before a second preselected time, as recited in dependent claim 15.

With regard to the statement in the Office Action regarding claim 16 that “*Peschel et al* teach a computer program storage medium wherein first and second call data records are members of a group of call data records whose called numbers have an identical value in at least one preselected digital position (col. 7, line 50-col. 8, line 13),” Applicants respectfully submit that that nowhere does *Peschel* disclose, teach, or suggest a group of call data records pertaining to the same call where the call numbers have an identical value in at least one preselected digit position, as recited in dependent claim 16.

With regard to the statement in the Office Action regarding claim 17 in which the Office Action states that “*Peschel et al* teach a computer program storage medium wherein method steps further comprising: when the first and second data records are

identified as correlated, copying at least one data field from the first data record to the second data record (col. 8, lines 18-26; col. 9, lines 14-23),” Applicants respectfully submits that nowhere does *Peschel* disclose, teach, or suggest at least copying at least one data field from the first data record to the second data record, as claimed in claim 17.

With respect to the statement in the Office Action regarding claim 18 that “*Peschel et al* teach a computer program storage medium method steps further comprising: when the first and second data records are identified as correlated, copying at least one data field from the second data record to the first data record (col. 8, lines 18-26; col. 9, lines 14-23),” Applicants respectfully submit that nowhere does *Peschel et al.* disclose, teach, or suggest at least copying at least one data field from the second data record to the first data record, as recited in claim 18.

Thus, *Peschel* fails to disclose, teach, or suggest each element of the Applicant’s independent claim 11. Consequently, Applicant respectfully submits that claim 11 is allowable over *Peschel* and requests that the rejection of claim 11 be withdrawn.

Because independent claim 11 is allowable dependent claims 12-20, which depend either directly or indirectly from allowable independent claim 11 are also allowable. *In re Fine, supra.* Accordingly, Applicant respectfully requests that the rejection of claims 11-18 be withdrawn.

III. Allowable Subject Matter

Applicants wish to thank the Examiner for the indicated allowability of claims 9, 10, 19 and 20. However, Applicants have not yet amended the allowable claims to include the subject matter of the independent claims from which they depend, pending consideration of this response.


CONCLUSION

In summary, Applicants respectfully request that all outstanding claim rejections be withdrawn. Applicants respectfully submit that presently pending claims 1-20 are allowable over the cited art and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comment regarding the Applicants' response or believe that a teleconference would expedite prosecution of the pending claims, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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